

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

Case No. 3:24-cr-00209

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID PAUL DANIEL,

Defendant.

**UNOPPOSED MOTION TO
CONTINUE TRIAL**

Defendant, David Paul Daniel, respectfully moves the Court to continue trial to a later Criminal Trial Term. Mr. Daniel offers the following in support of this motion:

1. Trial is currently set for May 5, 2025.
2. The government has notified counsel that they plan to supersede the Indictment during April.
3. The Superseded Indictment will introduce a new set facts, events, and allegations, and production of additional discovery.
4. Counsel will need additional time to go over discovery, any possible new plea offers, and trial strategy with Mr. Daniel.
5. In addition, Mr. Daniel filed a Motion to Suppress on March 26, 2025 (Doc. No. 25) that raises a novel and rapidly developing legal issue related to the

impact of President Trump's recent pardons. In particular, the Motion raises issues pertaining to the how President Trump's pardon of Mr. Daniel in another federal matter affects the evidence supporting the instant case. The law is developing day by day on the issue in several federal courts around the nation, including in a case pending in our Circuit: *United States v. Costianes*, 1:21-cr-458 (D. Md.) (appellate number 24-4543) (discussed at pages 6-9 of the Motion to Suppress). The Fourth Circuit has directed the parties in *Costianes* to address certain questions by this coming Monday, March 31, 2025, related to scope of the pardon, that this Court will probably ask as well. *See* Mot. Suppress, p. 8. This Court may find instructive how the Fourth Circuit resolves an issue that is the same as, or very similar to, the issue discussed in the Motion to Suppress. Waiting for guidance through *Costianes* – may delay resolution of the Motion to Suppress, which will have a significant effect on trial preparation, possible pre-trial resolution, and trial date. The Court would eliminate some of that scheduling uncertainty and allow the law in this area to clarify by continuing trial.

6. The government does not oppose the relief requested in this Motion.

WHEREFORE, Mr. Daniel respectfully moves this Court to continue trial to a later criminal trial term.

Respectfully submitted this 28th day of March 2025.

/s/ William R. Terpening
William R. Terpening
N.C. Bar No. 36418
Connor Reid
N.C. Bar No. 62617

TERPENING LAW PLLC
221 W. 11th Street
Charlotte, North Carolina 28202
terpening@terpeninglaw.com
(980) 265-1700

Counsel for David Paul Daniel

CERTIFICATE OF SERVICE

I certify that I have filed this **UNOPPOSED MOTION TO CONTINUE TRIAL** through the Court's ECF system, which constitutes service on all parties.

Dated: March 28, 2025.

/s/ William R. Terpening
William R. Terpening